

Remarks

1. Summary of Office Action

In the Office Action mailed February 21, 2008, the Examiner rejected claims 1-3 and 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,486,398 (hereinafter “McCulloch”). Further, the Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being obvious over a combination McCulloch and U.S. Patent No. 4,937,196 (hereinafter “Wrasidlo”).

Additionally, the Examiner indicated claims 5-7 to be allowable, and objected to the abstract.

2. Status of Claims

Applicants have amended claim 1 to correct minor typographical errors. Pending are claims 1-8, of which claim 1 is independent and the remainder are dependent.

3. Amendments to the Specification

Applicants have amended the abstract. Applicants believe that, as amended, the abstract complies with the proper format and language for an abstract of the disclosure. Reconsideration and withdrawal of the objection is respectfully requested.

4. Response to §102 Claim Rejections

As noted above, the Examiner rejected claims 1-3 and 8 as being anticipated by McCulloch.

Under M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Applicants respectfully traverse the rejections of claims 1-3 and 8, because

McCulloch does not disclose or suggest each and every element as recited in any of these claims.

The invention of claim 1 is directed to an electronic control module, comprising: (i) a housing having a first aperture, and (ii) *a substrate disposed within the housing **and having a second aperture positioned adjacent to the first aperture, and including a hydrophobic vent assembly disposed over the second aperture and adheringly coupled to the substrate***, and adapted to permit egress with respect to the housing of a gas therethrough. (Emphasis added). (Claims 2, 3, and 8 each depend from claim 1 and therefore necessarily include the limitations of claim 1).

Applicants respectfully submit that, at a minimum, McCulloch fails to disclose or suggest the claimed element of: “a substrate disposed within the housing and having a second aperture positioned adjacent to the first aperture, and including a hydrophobic vent assembly disposed over the second aperture and adheringly coupled to the substrate, and adapted to permit egress with respect to the housing of a gas therethrough”.

McCulloch relates to a sealing arrangement for an electronic module (5, 300). The electronic module comprises a casing (20, 320) that houses an electronic circuitry (10, 310) (*see, e.g.*, Figure 5 which shows the electronic circuitry 310 disposed inside the casing 320). Further, an orifice (110, 325) is provided in the casing of the module.

More specifically, this orifice extends *from an upper surface (22) of the casing to a lower surface (27) of the casing, where* the upper surface faces the exterior of the module and the lower surface faces the interior of the module, where the electronic circuitry is located. An air-permeable, water-impermeable membrane is disposed in the orifice. Further, *a surface channel (140) extending between the orifice and a distant point*

is formed in a portion of the exterior surface of the casing in order to provide an air path to the interior surface of the module. (See, e.g., McCulloch, Abstract and col. 2, line 10 to col. 3, line 40).

Thus, one skilled in the art would readily recognize that, at best, McCulloch discloses an electronic module that includes a housing having an orifice and a surface channel. McCulloch, however, does not disclose or suggest any electronic module that is arranged in the manner claimed by Applicants.

Unlike McCulloch, Applicants' claimed invention provides an electronic control module that includes a housing having a first aperture, and that also further includes the features of: ***"a substrate disposed within the housing and having a second aperture positioned adjacent to the first aperture, and including a hydrophobic vent assembly disposed over the second aperture and adheringly coupled to the substrate, and adapted to permit egress with respect to the housing of a gas therethrough"***. Applicants respectfully submit that these features are not disclosed or suggested in McCulloch.

Because McCulloch does not disclose or suggest the invention as recited in each of claims 1-3 and 8, McCulloch fails to anticipate these claims under 35 U.S.C. § 102.

5. Response to §103 Claim Rejections

The Examiner rejected claim 4 on grounds of obviousness over a combination of McCulloch and Wrasidlo. Applicants respectfully traverse these rejections, because the cited combination fails to disclose or suggest every element of claim 4, as would be required to establish a *prima facie* case of obviousness under M.P.E.P. § 2143.

Claim 4 depends from independent claim 1 and therefore incorporates all of the elements of claim 1. As discussed above, McCulloch fails to disclose or suggest the

invention as recited in claim 1. Therefore, McCulloch also fails to disclose or suggest the invention as recited in claim 4. Further, Wrasidlo fails to make up for the deficiencies of McCulloch described above.

Applicants do not concede that the remarks made by the Examiner with respect to claim 4 are correct. However, Applicants respectfully submit that those points are moot in view of the fact that McCulloch fails to disclose or suggest the invention as recited in independent claim 1.

6. Conclusion

In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. Therefore, Applicants respectfully request favorable reconsideration and allowance of those claims.

Respectfully submitted,

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